

### REMARKS

1. Claims 1-13 and 34-40 are pending and stand rejected.

Reconsideration of this application is respectfully requested.

2. Claims 1-4, 6-8, 34, 36, 37, 39, and 40 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,563,167 to Chern '167.

The claims now require "said control gate not overlaying said pair of floating gates."

Chern '167 does not expressly or inherently describe, teach or suggest such a control gate. In contrast, Chern '167 in col. 8, line 67-col. 9, line 1 discloses,

"The control gates 54 are generally rectangular in shape, but with . . . and an upper second portion 74 that protrudes over a portion of floating gate 14 and forms a notch 16."

Hence, claims 1-4, 6-8, 34, 36, 37, 39, and 40 are clearly allowable over Chern '167.

In view of the foregoing, withdrawal of this rejection is respectfully requested.

3. Claims 5, 9-13, 35, and 38 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Chern '167 as applied to claims 1, 6, and 37, and further in view of U.S. Patent 6,800,525B2 to Ryu et al. (Ryu).

The arguments set forth above in support of the allowability of claims 1, 6, and 37 over Chern '167, are incorporated herein by reference.

Ryu discloses control gates that do not overlay their respective floating gates. However, there is no motivation in either Chern or Ryu to modify Chern's control gates so that they do not overlay their respective floating gates. Ryu does not teach or suggest any benefit of providing control gates that do not overlay their respective floating gates, whereas Chern teaches that memory cell performance can be improved by providing floating gates which have small portions that are overlapped by respective control gates. Specifically, Chern teaches in col. 9, lines 13-27 that its control gate/floating gate structure enhances Fowler-Nordheim tunneling between the floating gate and the control

gate, enhances erase speeds and lowers the coupling ratio between 10% and 30% for better erase.

For at least this reason, claims 5, 9-13, 35, and 38 are allowable over Chern '167 in view of Ryu.

In view of the foregoing, withdrawal of this rejection is respectfully requested.

4. Favorable reconsideration of this application is respectfully requested as it is believed that all outstanding issues have been addressed herein and, further, that claims 1-13 and 34-40 are in condition for allowance. Should there be any questions or matters whose resolution may be advanced by a telephone call, the examiner is cordially invited to contact applicants' undersigned attorney at his number listed below.

5. The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR 1.16 and any patent application processing fees under 37 CFR 1.17, which may be due and owing with the filing of this paper, or credit any overpayment to Deposit Account No. 04-1679.

Respectfully submitted,

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